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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/758,828	Applicant(s) LEMAY ET AL.	
	Examiner Benjamin W. Lee	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007 and 13 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-31 and 33-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-31 and 33-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 03/19/2007 and the supplemental amendment filed 04/13/2007 have been entered. Claims 1-3, 5-31, and 33-81 are pending in this application. Claims 1, 5-7, 9, 10, 12, 13, 16, 17, 20, 24, 29-31, 33-35, 37-41, 43-50, 52,57, 67, 71, and 73-75 have been amended. Claims 4 and 32 are cancelled. Claims 77-81 are new.

Terminal Disclaimer

2. The terminal disclaimer filed on 03/20/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. US 6,863,608 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The declaration states, "I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56" (emphasis added by the examiner).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 79 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 79 recites the limitation “the other device” in line 3. Neither claim 77 nor claims 79 provide an antecedent basis for “the other device.”

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 77-79 and 81 rejected under 35 U.S.C. 102(e) as being anticipated by Kinjo (US 6,336,865 B1).

Re claim 77: Kinjo discloses a gaming device comprising one or more processors/instruction unit (see claim 1) configured and/or operable to:

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execute a game (see abstract);

generate a plurality of game presentation actual frames for the game when the game is being executed, wherein the game presentation actual frames are capable of being presented in connection with the game on a display associated and/or configured for the gaming device (see abstract; col. 9, lines 39-41);

capture at least one game presentation actual frame from the plurality of the game presentation actual frames as at least one captured game frame when the game is executed, wherein the at least one captured game frame is a frame actually generated for presentation on the display when the game is executed (see col. 1, lines 20-29); and

provide the at least one captured game frame for display on the display and/or another display, thereby allowing a game history of the game to be presented (see col. 16, lines 8-21)

Re claims 78 and 79: The teachings of Kinjo as applied to claim 77 above have been discussed. Kinjo further discloses the gaming device is configured and/or operable to send the captured game frame to another device for display on the other display (see col. 16, lines 8-21) and receive a command and /or indication from another device/portable memory unit 16 in order to initiate the capturing of the at least one captured game frame (see Fig. 3; col. 7, lines 30-48).

Re claim 81: The teachings of Kinjo as applied to claim 77 above have been discussed. Kinjo further discloses the capturing of the at least one captured game frame is triggered as the result of the outcome of the game of chance (see col. 7, lines 15-29).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-3, 5-31, 33-56, 73-76, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Takemoto et al. (US 5,810,665).

Re claims 1 and 29: Kinjo discloses a computer-implemented method/device for presenting captured game history for a game played on a device, comprising:

facilitating execution of a game of chance on a first device in a network (see Fig. 3; col. 4, lines 53 - col. 5, line 9), the execution causing generation of a plurality of game presentation actual frames capable of being presented on a multimedia display 14 of the first device in the network (see col. 9, lines 39-41);

facilitating capture of at least one selected game presentation actual frame from the plurality of the game presentation actual frames, wherein the selected game presentation actual

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frame is a frame actually generated for presentation on the multimedia display of the first device when the game of chance is executed on the first device in the network (see col. 1, lines 20-29);

receiving first frame data from the first device via the network when the game of chance is executed (see Fig. 1; col. 7, lines 46-48), the first frame data representing at least a portion of the game history of the execution of the game of chance and including the selected game presentation actual frame (see col. 7, lines 15-33);

storing the first frame data after receiving the first frame data on a computer readable medium (see Fig. 3; col. 5, lines 34-45); and

displaying the first frame data after the receiving of the first frame data, thereby effectively presenting the captured game history for the game of chance (see col. 16, lines 8-21).

The method is implemented in a computer program product/processor (see claim 1).

However, Kinjo fails to disclose the game is a game of chance.

Takemoto teaches an image display gaming machine used in games of chance such as slot machines or pachinko (see Figs. 2 and 9; col. 1, lines 12-15).

Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the game unit of Kinjo with the game of chance of Takemoto in order to increase the entertainment value by allowing players to print out stickers of the player's game screen featuring the player's image.

Re claims 2 and 30: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kino further discloses facilitating execution of the game of chance comprises receiving a request from the first device identifying the game of

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chance, and collaboratively executing the game of chance with the first device (see col. 4, lines 53-66).

Re claims 3 and 31: The teachings of Kinjo as modified by Takemoto as applied to claims 2 and 30 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose or fairly suggest executing the game of chance comprises executing game flow logic on a host device, and executing game presentation logic on the first device.

It was well known in the art at the time the invention was made to execute game flow logic and game presentation logic on separate devices on networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to execute game flow logic and game presentation logic to execute on different machines in order to adapt the system to work for Internet browser based games.

Re claims 5, 6, 33, and 34: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose capture of the selected game presentation actual frame comprises selecting the selected game presentation actual frame from a frame buffer in the first device or capturing the selected game presentation directly from the display of the first device.

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It was well known in the art at the time the invention was made to capture game presentation frames from the frame buffer or directly from the display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the invention of Kinjo as modified by Takemoto to capture game presentation frames from the frame buffer or directly from the display in order to send image data to the game scene reproducing machine.

Re claims 7, 8, 35, and 36: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses capture of the selected game presentation actual frame comprises detecting an event which triggers capture of the selected game presentation actual frame (see col. 1, lines 20-29), wherein the event corresponds to an outcome of the game of chance (see col. 7, lines 15-29).

Re claims 9 and 37: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose or fairly suggest capture of the selected game presentation actual frame comprises uploading at least one software module to the first device which is operable to capture the selected game presentation actual frame.

It was well known in the art at the time the invention was made to upload software from a server to clients.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to upload software to the first device to capture the selected game presentation frame in order to adapt the system to work for Internet browser based games.

Re claims 10 and 38: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses facilitating capture of the selected game presentation actual frame comprises transmitting a capture command to the first device (see col. 4, line 53 - col. 5, line 9).

Re claims 11 and 39: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating the first frame data (see col. 7, lines 15-29).

Re claims 12 and 40: The teachings of Kinjo as modified by Takemoto as applied to claims 11 and 39 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose generating the first frame data comprises any one or more of the following: compressing the selected game presentation actual frame, encrypting the selected game presentation actual frame, and reducing color information in the game presentation actual frame.

It was well known in the art at the time the invention was made to compress or encrypt any type of data transferred over a network.

Therefore, it would have been obvious to add compression and encryption to the invention of Kinjo as modified by Takemoto in order to reduce the amount of data transferred across the network and to enhance security.

Re claims 13, 14, 41, and 42: The teachings of Kinjo as modified by Takemoto as applied to claims 11 and 39 above have been discussed. Kinjo further discloses the additional data captured and associated with the selected game presentation actual frame includes a time (see col. 15, lines 46-54).

Re claims 15, 16, 43, and 44: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses rendering the first frame data wherein rendering comprises generating a visual representation including the game presentation actual frame (see col. 16, lines 8-21).

Re claims 17 and 45: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating second frame data corresponding to the selected game presentation actual frame. Kinjo discloses capturing multiple frames in sequence to create an animation. The second frame data corresponds to the selected game presentation frame (i.e. occurs directly after the selected presentation frame) and is generate independent of the selected game presentation frame (i.e. the subsequent frame is not necessarily dependent upon the selected game presentation frame (see col. 6, lines 43-49).

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Re claims 18, 19, 46, and 47: The teachings of Kinjo as modified by Takemoto as applied to claims 17 and 45 above have been discussed. Kinjo further discloses the sequence of frames representing an animation is rendered visually (see col. 6, lines 43-46). The juxtaposition of sequential frames is a comparison.

Re claims 20, 21, 48, and 49: The teachings of Kinjo as modified by Takemoto as applied to claims 17 and 45 above have been discussed. In a situation where there is no movement, there will be multiple frames that are duplicates. The frame may also include a time (see col. 15, lines 46-54).

Re claims 22, 23, 50, and 51: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto fail to disclose generating a frame signature for inclusion in the first frame data comprising at least one of a CRC, a checksum, and a hash value.

It was well known in the art at the time of the invention to use a CRC, a checksum, or a hash value on data transferred over a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a frame signature such as a CRC, a checksum, or a hash value, to the invention of Kinjo as modified by Takemoto in order to ensure the data integrity of frames transferred via the network.

Re claims 24, 25, 52, and 53: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating the first frame data, wherein the first frame data corresponds to a visual representation which includes the game presentation actual frame and is capable of being displayed on a multimedia display (see col. 7, lines 15-29).

However, the teachings of Kinjo as modified by Takemoto fail to disclose or fairly suggest the visual representation also includes a visible authentication object comprising at least one of date, time, serialized game number, paytable number, user id, machine serial number, current progressive values, host id, network id, and casino water mark.

It was well known in the art at the time the invention was made to place timestamps or watermarks on images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add timestamps or watermarks to the first frame data in order to provide an indicator the source of the image, which would increase the security of the system.

Re claims 26 and 54: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses the network may be the Internet (see col. 6, lines 7-11).

Re claims 27, 28, 55, and 56: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose or fairly the game of chance is facilitated according to a client-server model or a peer-to-peer model.

It was well known in the art at the time the invention was made to operate games of chance in a client-server architecture or a peer-to-peer architecture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the networked game of chance of Kinjo as modified by Takemoto in order adapt the invention to function in an Internet browser based game or in multiplayer game with a direct connection between clients.

Re claims 73-75: The teachings of Kinjo as modified by Takemoto as applied to claim 1 above have been discussed. Kinjo further discloses capturing a sequence of game presentation frames and outputting the sequence as an animation (see col. 6, lines 43-49).

Re claim 76: The teachings of Kinjo as modified by Takemoto as applied to claim 75 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto as applied to claim 75 have been discussed above.

It was well known in the art at the time the invention was made to encode video using the MPEG standard or VCR standard.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode the video using an MPEG standard in order to save storage space and network bandwidth by compressing the video data.

Re claim 80: The teachings of Kinjo as applied to claim 77 above have been discussed.

However, Kinjo fails to disclose the game is a game of chance.

Takemoto teaches an image display gaming machine used in games of chance such as slot machines or pachinko (see Figs. 2 and 9; col. 1, lines 12-15).

Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the game unit of Kinjo with the game of chance of Takemoto in order to increase the entertainment value by allowing players to print out stickers of the player's game screen featuring the player's image

11. Claims 57, 58, 61-69, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Kelly et al. (US 5,816,918, hereinafter Kelly).

Re claim 57: Kinjo discloses a plurality of gaming machines 18 (see Fig. 3; col. 15, lines 29-35), each gaming machine comprising a network interface (see Fig. 3) and a master gaming controller operable to control a game played on the gaming machine, to generate a sequence of game presentation actual frames for use in a video game presentation of the game of chance (see col. 4, line 53 - col. 5, line 9), to select one or more game presentation actual frames from the sequence of game presentation frames (see col. 1, lines 20-24), and to incorporate frame data from the selected game presentation actual frames into one or more game history frames (see col. 7, lines 15-29), and display the one or more game history frames to effectively provide a game history of the game of chance (see col. 16, lines 8-21), a network 38 interconnecting the plurality

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of gaming machines via the corresponding network interfaces (see Fig. 3; col. 6, lines 4-11), and at least one server/game scene reproducing machine 20 coupled to the network and operable to store the game history frames from the plurality of gaming machines (see col. 13, lines 37-54).

However, Kinjo fails to disclose or fairly suggest the gaming machine is a game of chance operable to receive cash or indicia of credit for a wager on the game of chance, and to output cash or indicia of credit as an award for the game of chance.

Kelly teaches a prize redemption system for games of chance (see col. 1, lines 28-33) operable to receive cash or indicia of credit for a wager on the game of chance (see col. 3, lines 8-11), and to output cash or an indicia of credit as an award for the game of chance (see col. 2, line 62 - col. 3, line 7).

Therefore, in view of Kelly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the gaming machine of Kinjo with the game of chance of Kelly in order to attract more players by providing monetary benefits.

Re claim 58: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses each gaming machine further comprises non-volatile memory 16 for storing the one or more game history frames (see col. 6, lines 12-31).

Re claim 61: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses the master gaming controller is further operable to incorporate game history information into the one or more game history frames (see col. 7, lines 15-29).

Re claim 62: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kelly further discloses the video game presentation comprises a video poker game (see col. 1, lines 30-33).

Re claim 63: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Kelly fail to disclose each gaming machine further comprises a printer operable to print the one or more game history frames.

Kinjo teaches a single printer 22 coupled to the network operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36). It was also well known in the art at the time the invention was made to include a printer to each gaming device in a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a printer to each gaming machine of the invention of Kinjo as modified by Kelly in order to provide users with instant printouts.

Re claim 64: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses each gaming machine further comprises a display device 14 operable to display the one or more game history frames (see col. 14, lines 9-18).

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Re claim 65: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses a printer 22 coupled to the network which is operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36).

Re claim 66: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses a display device 14 coupled to the network which is operable to display the game history frames from the plurality of gaming machines (see col. 16, lines 8-21).

Re claims 67-68: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kelly further discloses at least one server is operable to generate promotional information based on the at least one of the game history frames from the plurality of gaming machines (see Fig. 5d; col. 23, lines 25-45). The promotional information may be displayed on any of the gaming machines since they are networked (see Figs. 3 and 4).

Re claim 69: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Kelly fail to disclose at least one server is further operable to facilitate dispute resolution with reference to the game history frames from the plurality of gaming machines.

It was well known in the art at the time the invention was made to save logs of gaming machine payouts.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store game history frames such that they could be recalled and compared to settle disputes and to provide a record of winnings for audits.

Re claim 72: The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed. Kinjo further discloses at least one server/game scene reproducing machine is operable to cause a game history frame generated by a first one of the gaming machines to be displayed on a second one of the gaming machines (see col. 16, lines 8-21).

12. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as modified by Kelly, as applied to claim 57 above, and further in view of Takemoto.

The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Kelly fail to disclose or fairly suggest each gaming machine comprises a camera used to record a player image from a player being presented the game presentation on the gaming machine and the master controller is operable to incorporate the player image into the one or more game history frames.

Takemoto teaches an image display gaming machine featuring a CCD camera section 121 used to record a player image from a player being presented the game presentation (see col. 5, lines 43-52). Takemoto et al. further discloses the master gaming controller is further operable to incorporate the player image into the one or more game presentation frames (see Figs. 10 and 11; col. 5, lines 18-27).

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Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Kelly by adding the CCD camera and inclusion of player images into game presentation frames and game history frames in order to increase the interest of players by personalizing the game.

13. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as modified by Kelly as applied to claim 57 above, and further in view of Olsen (US 6,110,043).

The teachings of Kinjo as modified by Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Kelly fail to disclose the at least one server is operable to facilitate a bonusing game with reference to at least one of the game history frames from the plurality of gaming machines and the bonusing game includes a subset of the gaming machines.

Olsen teaches a controller-based progressive jackpot linked gaming system comprising a bonus mode wherein a subset players and machines are eligible to play based on player history contained in a player tracking card (see col. 12, lines 31-45).

Therefore, in view of Olsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Kelly et al. by adding the bonus mode of Olsen and determining eligibility based on game history frames in order to increase the interest of players in the game.

Response to Arguments

14. Applicant's arguments filed 03/19/2007 have been fully considered but they are not persuasive.

Regarding the applicant's argument that Kinjo does not teach or suggest collaboratively executing a game of chance (claim 2), the examiner respectfully disagrees. The American Heritage Dictionary defines "collaborate" as, "To work together." The game scene reproducing machine works with the gaming unit to reproduce a game scene. The claim does not provide any further limitation of the collaboration between the devices.

Regarding the applicant's argument that Kinjo does not teach detecting an event corresponding to the outcome of a game of chance that triggers the capture of a selected game presentation frame (claim 8), the examiner respectfully disagrees. As discussed in the body of the rejection of claim 8, Kinjo discloses adding comments and other information to reproduced game scenes the completion of games (see col. 7, lines 15-29). Furthermore, Kinjo discloses that a user may manually select an image to be reproduced (see col. 4, lines 53-66). The manual selection of a game screen by the player may be considered a triggering event.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner stated the motivation to combine the Kinjo and Takemoto

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references is “to increase entertainment value by allowing players to print out stickers of their game screen featuring the player’s image.” Increasing the novelty/entertainment of a gaming unit is a motivation that was generally available to one of ordinary skill in the art at the time of the invention.

15. Applicant's arguments filed 04/13/2007 have been fully considered but they are not persuasive.

Regarding the applicant’s statement that the cited art does not teach or suggest actual frames generated when a game is executed, the examiner respectfully disagrees. As noted in the Examiner Interview Summary (Form PTOL-413) with the mailing date of 04/13/2007, the examiner agreed that indicating capture of a frame from a frame buffer would overcome the Kinjo reference. The examiner takes the position that the claims as currently amended do not overcome the Kinjo reference and that changing “game presentation frame” to “game presentation actual frame” does not significantly alter the scope of the claims. Kinjo discloses that the game frames that are presented are “actual” (the game is executed in the gaming machine and inherently produces real images/frames, see col. 4, lines 53-66) and the game scene reproducing machine captures the “actual” game frames (by capturing the game data necessary to reproduce the game frame, see col. 4, line 66 - col. 5, line 9; col. 8, lines 66 - col. 9, line 7).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KIM NGUYEN
PRIMARY EXAMINER

BWL

Benjamin W. Lee
May 23, 2007